Congress of the United States
Washington, DC 20515

September 3, 2021

The Honorable Nancy Pelosi
Speaker of the House of Representatives
United States House of Representatives
H-232, The Capitol
Washington, D.C. 20515

The Honorable Chuck Schumer
Senate Majority Leader
United States Senate
S-221, The Capitol
Washington, D.C. 20510

The Honorable Jerrold Nadler
Chairman, House Judiciary Committee
2141 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Dick Durban
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Speaker Pelosi, Senate Majority Leader Schumer, Chairman Nadler, and Chairman Durbin

As Members of Congress concerned with the growing number of families stuck in the backlog of our outdated immigration system, we write to urge you to include these key immigrant visa provisions to begin to clear the visa backlogs in the budget reconciliation package:

1) Recapture unused employment and family-based green cards to reduce visa backlogs.
2) End the practice of counting derivative visas towards Immigration and Nationality Act's numerical limits.
3) Provide visas to persons who were selected through the Diversity Visa program lottery but were not granted a visa due to the former administration's executive actions on immigration.

Recapturing unused visas that were lost to delays due to the pandemic and other bureaucratic processes would help ease the already burgeoning backlogs for immigrant families and workers. There are currently over 4 million people in the family immigration backlogs waiting to reunite with their loved ones, with average wait times as high as 20 years (Mexico) and 25 years (Philippines). These significant wait times keep families separated and bog down our immigration system, leaving people in limbo for years at a time. The backlog also impacts the employment-based visa process, where families on H1B visas live in temporary status limbo with their children, who face the loss of status when they turn 21. According to a 2010 report by the Department of Homeland Security's Citizenship and Immigration Services Ombudsman, between 1992-2009, there were 241,928 family-based visas and 506,410 employment-based visas that were unused.[1] In FY 2020, 122,281 family-based visas went unused due to COVID-19 related shutdowns.[2] Congress should use the opportunity of reconciliation to pass meaningful reforms to our immigration system by recapturing these unused visas and alleviating these backlogs. Additionally, the effects of the family-based and employment immigrant visa backlogs could also be reduced by allowing

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[1] U.S Department of Homeland Security Citizenship and Immigration Services Ombudsman, Annual Report 2010, June 30, 2010, https://www.dhs.gov/xlibrary/assets/cisomb_2010_annual_report_to_congress.pdf

[2] U.S. Department of State, Immigrant Visas Issued and Adjustments of Status Subject to Numerical Limitations, Fiscal Year 2020, September 30, 2020, https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/ FY2020AnnualReport/FY20AnnualReport-TableV.pdf

individuals with an approved visa petition to file their green card applications before a visa number becomes available, thereby expediting the process. It could also be reduced by allowing certain employment-based applicants to waive the per-country and worldwide limits on visas upon payment of a fee, improving the flow of applications and reducing bottlenecks at specific points in the process.

Secondly, ensuring that spouses and children are not counted towards visa caps would significantly help reduce visa backlogs. Currently, a primary beneficiary of a permanent visa can bring in their spouse and children to the United States, but those individuals count against the numerical limit of that immigration category. Eliminating this provision is a simple way to quickly increase annual immigration levels while simultaneously helping to reunite families.

Finally, the Trump Administration made many administrative changes in an effort to lower immigration levels, particularly seeking to exclude Black people, people from Muslim-majority countries, and other people of color. Thousands of diversity visa applicants who were selected during the diversity visa lotteries from FY 2017 through FY 2021 lost their opportunity to immigrate to the U.S. due to the Muslim or African bans or later COVID-related bans. H.R. 3548, the Keeping Our Promise Act would offer diversity visas to people who were selected in the diversity visa lottery but denied visas due to any of the various Immigration bans, such as the Muslim Ban, the African Ban or COVID-related bans. The bill would allow processing of would-be immigrants by giving them a year to claim their green cards or resume applications that were put on hold by the previous administration.

There is Congressional precedent regarding visa recapture. In 2005, the Senate passed a budget reconciliation package that included provisions that recaptured unused visas up through FY2005 and exempted spouses and children from counting towards the visa caps. Given this precedent, we ask that similar provisions be included in the FY 2022 budget reconciliation process.

We are a nation of immigrants, and if we want to uphold this ideal, we ask that you include the aforementioned provisions within the budget reconciliation package. Thank you for your considering our request.

Respectfully,

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Judy Chu
Member of Congress

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Ritchie Torres
Member of Congress

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Grace Meng
Member of Congress

_____s/_____
Nikema Williams
Member of Congress

_____s/_____
Jan Schakowsky
Member of Congress

_____s/_____
Jamaal Bowman
Member of Congress

_____s/_____
Carolyn B. Maloney
Member of Congress

_____s/_____
Jamie Raskin
Member of Congress

_____s/_____
Jake Auchincloss
Member of Congress

_____s/_____
Yvette D. Clarke
Member of Congress

_____s/_____
Ayanna Pressley
Member of Congress

_____s/_____
James P. McGovern
Member of Congress

_____s/_____
Jason Crow
Member of Congress

_____s/_____
Alexandria Ocasio-Cortez
Member of Congress

_____s/_____
Dina Titus
Member of Congress

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Adriano Espaillat
Member of Congress

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Darren Soto
Member of Congress

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Gerald E. Connolly
Member of Congress

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David Trone
Member of Congress

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Nanette Diaz Barragán
Member of Congress

_____s/_____
Thomas R. Suozzi
Member of Congress